

57. (New) The application member of claim 51, wherein each of the teeth further comprises the dispensing orifice and the passage. --

REMARKS

Applicant respectfully requests reconsideration and withdrawal of the claim rejections in view of the following remarks. Applicant has added new claims 54-57. Claims 1-57 are pending.

In the Office Action, claims 1-4, 17, 38, and 51 were rejected under 35 U.S.C. § 102(b) as being anticipated by published European Application No. EP 0 943 260 A1 ("EP '260"). The EP '260 reference discloses an applicator having a plurality of shaped fingers with dispensing holes spaced along the fingers. (See Derwent Abstract.) The fingers are mounted on a handgrip including a reservoir for a preparation therein. (*Id.*) The fingers are made from an elastic material to simulate the stroking action of human fingers. (*Id.*)

Applicant respectfully disagrees with the rejection of claim 1 because EP '260 fails to teach or suggest "at least one wall on the base portion ... located at least partially along a periphery of a region of the base portion from which at least some of the teeth extend and being **configured to collect product** flowing from the dispensing orifice of the at least one of the teeth." Although the Examiner has asserted that reference numeral 6 in Fig. 1 of EP '260 teaches a wall on a base portion, EP '260 contains no structure "configured to collect product flowing from the dispensing orifice", as recited in claim 1. Clearly, any product flowing out of the orifices in the fingers would

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merely run down the fingers and drip from the device. For at least this reason, claim 1 is allowable over EP '260.

Claims 2-4, 17, and 38 depend from claim 1 and are therefore allowable over EP '260 for at least the same reasons as claim 1.

With respect to claim 51, Applicant respectfully disagrees with the rejection because EP '260 fails to teach or suggest "a wall extending from a surface of the base portion ... where the wall and the surface of the base portion ***form a drip pan configured to collect product*** flowing from the dispensing orifice of the at least one of the teeth." Plainly, EP '260 contains no disclosure or suggestion of this feature of claim 51. Accordingly, the rejection of claim 51 should be withdrawn.

Claims 5-10 and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '260. These claims depend from one of claims 1 and 51, and are therefore allowable for at least the same reasons as their respective base claims.

Claims 11-16, 18-37, 39-50, and 53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '260 in view of U.S. Patent No. 6,009,881 to Baudin et al. The Baudin et al. reference discloses an applicator device for a hair product and receptacle equipped with such a device.

Claims 11-16, 18-37, 39-50, and 53 depend from one of claims 1 and 51, and are therefore allowable for at least the same reasons as their respective base claims. Moreover, one of ordinary skill in the art would not modify EP '260 in view of Baudin et al. to make up for the deficiencies in EP '260. Any assertion to the contrary would be based on impermissible hindsight gleaned from the present application. Additionally, Applicant notes that Baudin et al. fails to teach or suggest a "plurality of teeth being

formed of an elastically deformable material," as recited in these claims. For at least these reasons, the rejection based on Baudin et al. should be withdrawn.

New claims 54-57 depend from one of claims 1 and 51, and are therefore allowable for at least the same reasons as their respective base claims.

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

If a telephone conference might advance prosecution of this application, the Examiner is invited to call Applicant's undersigned attorney (202-408-4000).

The Office Action contains numerous assertions regarding the claims and the related art. Applicant declines to automatically subscribe to any of those assertions.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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